

# **FEDERAL DISCRETIONARY GRANTS**

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Missouri Department of Elementary and Secondary Education

## **HOMELESS CHILDREN AND YOUTH PROGRAM**

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- TITLE X – C MCKINNEY-VENTO HOMELESS ASSISTANCE ACT SUBTITLE VII-B (SECTIONS 721-726) AS AMENDED BY THE NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110)

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**2007-2008 Administrative Manual**

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Percentage of total cost of federal dollars spent to print and produce guide: 100%  
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Inquiries related to Department employment practices may be directed to the Jefferson State Office Building, Human Resources Director, 2<sup>nd</sup> Floor, 205 Jefferson Street, Jefferson City, Missouri 65102-0480; telephone number 573-751-9619.

Inquiries related to Department programs may be directed to the Jefferson State Office Building, Title IX Coordinator, 5<sup>th</sup> Floor, 205 Jefferson Street, Jefferson City, Missouri 65102-0480; telephone number 573-751-4212.

# TABLE OF CONTENTS

<b>Discretionary Grants Timeline .....</b>	<b>1</b>
<b>National Education Goals .....</b>	<b>3</b>
<b>Introduction.....</b>	<b>3</b>
<b>General Guidelines.....</b>	<b>4</b>
Fiscal and Compliance Audits.....	4
Application .....	4
Budget Amendments .....	4
Final Expenditure Report (FER).....	4
Ending Date of Project.....	4
Obligation of Funds.....	5
Payment Schedule.....	5
Indirect Costs.....	5
Accounting Requirements.....	5
Revenue Codes .....	6
Program Records.....	6
Inventory Control .....	6
Disposition of Capital Outlay.....	7
Budget Categories Summary .....	7
Student Privacy and Social Security Numbers.....	10
Participation of Private School Children and Educators.....	10
Control of Public Funds .....	10
Complaint Resolution Procedures .....	10
Suspension of Approval.....	11
Monitoring.....	11
School Buses.....	12
Pupil Transportation in Vehicles Other Than School Buses.....	12
<b>Program: Specific Guidelines</b>	
Homeless Children and Youth Program .....	14
Requirements for Serving Homeless Children and Youth.....	15
<b>Appendices</b>	
Appendix A – Directions for Completion of the Homeless Application .....	23
Appendix B – Missouri Frequently Asked Questions .....	31
Appendix C – Standard Complaint Resolution.....	37
Appendix D – McKinney-Vento Legislation .....	39
Appendix E – Social Security Numbers .....	57

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# 2007-2008 TIMELINE FOR FEDERAL DISCRETIONARY GRANTS PROGRAMS

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	Homeless
Letter of Announcement	March 28, 2007
Application Workshops	April 13, 2007
Application Postmark Deadline	May 15, 2007
Grant Reading	June 5-20, 2007
Grant Award Announcements	June 20-23, 2007
Project Starting Date	July 1, 2007
Preliminary Final Expenditure Reports Due	May 15, 2008
Project Ending Date	June 30, 2008
Project Evaluation Reports Due	July 31, 2008
Revised Final Expenditure Reports Due	July 31, 2008
Records May Be Destroyed	July 1, 2011
Contact	Kim Oligschlaeger 573-522-8763 <a href="mailto:webreplyimprfdg@dese.mo.gov">webreplyimprfdg@dese.mo.gov</a>

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## **NATIONAL EDUCATION GOALS**

1. All students will reach high standards, at a minimum attaining proficiency or better in reading and mathematics by 2013-2014.
2. By 2013-2014, all students will be proficient in reading by the end of third grade.
3. All limited English proficient students will become proficient in English.
4. By 2005-2006, all students will be taught by highly qualified teachers.
5. All students will be educated in learning environments that are safe, drug free, and conducive to learning.
6. All students will graduate from high school.

## **INTRODUCTION**

This guideline manual provides administrative information for the following federal programs:

- Homeless Children and Youth Program

We have made a sincere effort to simplify the school district's submission of required information and to make the application procedure more accessible through a web document that can be downloaded, completed, and returned as a paper copy. The alignment of federal project expenditures to the Missouri School Improvement Program (MSIP) standards and indicators will directly link these projects to the goals and strategies of a district's Comprehensive School Improvement Plan (CSIP).

The remaining sections of this manual provide general guidelines applicable to all of the discretionary consolidated programs and program-specific guidelines that describe requirements of individual programs in the discretionary consolidated application.

## GENERAL GUIDELINES

### FISCAL AND COMPLIANCE AUDITS

All school districts must arrange for an independent audit of their records, at least biennially, and provide a copy of the audit to the DESE School Finance Section by October 31 following the audit period.

### APPLICATION

School districts applying for Homeless Children and Youth funds must annually submit an application. **Funds may not be obligated for a given year until July 1 or the date a substantially approvable application is received by DESE, whichever comes later.**

To be eligible to compete for a Homeless Children and Youth Grant, the school district/agency must submit an application with a signed assurances page (original signature).

All required components are to be received by DESE at the same time. All components must be available for grant readers and DESE staff.

### BUDGET AMENDMENTS

A school district may amend the approved budget throughout the year. DESE will not accept any written requests for pre-approvals. You are allowed to move 10% of your **total** budget within the budget categories without submitting an amendment. No amendment would be needed to move money within the category between budgeted items. **You may not add any new activities to the budget.**

### FINAL EXPENDITURE REPORT (FER)

**The final expenditure report is due on May 15.** If needed, a revised report is due no later than thirty (30) days after the ending date of the project. All project bills must be paid before submission of the revised report. The final payment of cash due your district/agency will be transmitted **ONLY** upon receipt and approval of this report.

Cumulative transfers among approved object codes may not exceed 10 percent of the currently approved total budget within each of the approved programs. Expenditures in excess of the approved budget or of the allowable variations are the responsibility of the school district.

Discretionary Grants require a project evaluation. The project evaluation report is due no later than 30 days after the ending date of the project.

### ENDING DATE OF PROJECT

All project activities and obligations must conclude by June 30.



## OBLIGATION OF FUNDS

School districts may use grant funds only for obligations made during the grant period. The following table shows when an obligation is made for various kinds of property and services.

IF THE OBLIGATION IS FOR...	THE OBLIGATION IS MADE...
acquisition of real or personal property,	on the date on which the LEA makes a binding written commitment to acquire the property.
personal services by an employee of the LEA,	when the services are performed.
personal services by a contractor who is not an employee of the LEA,	on the date on which the LEA makes a binding written commitment to obtain the services.*
performance of work other than personal services,	on the date on which the LEA makes a binding written commitment to obtain the work.
public utility services,	when the LEA receives the services.
travel,	when the travel is taken.
rental of real or personal property,	when the LEA uses the property.

EDGAR (09-16-99 Edition) § 76.707

\*If this commitment is made before the grant period, the district must include in the commitment letter or contract the following type of statement: "The provision of payment for these services is contingent on the availability of federal funds and approval for the use of those funds by DESE."

## PAYMENT

**A Payment Request will need to be submitted to receive payments.** This form may be submitted monthly to request payment for anticipated expenses. The signed request form must be in our office by the last day of the month, preceding the month in which your district/institution expects payment. **Reimbursement is the preferred payment method.** The district/institution should not request funds in excess of what they can spend before the next payment. Any interest drawn on federal funds will have to be paid back to the U. S. Department of Education. The district/institution may request up to **seventy-five** percent of the approved amount until the final expenditure report is submitted and approved.

Mail OR fax (573) 526-6698 the completed form to: Financial Management, Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480; Ph: (573) 751-4420 or (573) 751-2641. For program-related questions, contact Federal Discretionary Grants: Ph: (573) 526-3232; Fax: (573) 526-6698; E-mail: [webreplyimprfdg@dese.mo.gov](mailto:webreplyimprfdg@dese.mo.gov)

## INDIRECT COSTS

Indirect costs are calculated by multiplying total direct costs (less costs for capital outlay and interest) by the approved school district restricted indirect cost rate. School districts may use no more than the restricted indirect cost rate for the Homeless Children and Youth Grant. **The Homeless Children and Youth Program allows indirect cost.**

## ACCOUNTING REQUIREMENTS

Separate and identifiable accounting records for receipts and expenditures in each program must

be maintained. Records of both obligations and expenditures are to be kept separately by expenditure code. If staff is paid with grant funds (stipends for workshop attendance or hourly rates for out-of-contract time), there must be documentation of time for payment purposes (sign-in forms for workshops and hours listed for out-of-contract time).

The school district may not combine funds under Titles I, II, III, IV, VI, and/or Migrant Education Program, except as they are used in an administrative pool or a school-wide program. When funds are used in an administrative pool or a school wide-program however, the school district must develop a separate source code for reporting expenses to each of these fiscal strands. Funds from Homeless Children and Youth Program cannot be placed in an administrative pool.

## **REVENUE CODES**

The following revenue code should be used by school districts for discretionary funds received from the federal government through the Department of Elementary and Secondary Education:

Homeless Children and Youth Program

5463

## **PROGRAM RECORDS**

All records must be retained:

- for three years after the close of the fiscal year in which funds were expended.
- until any pending audits have been completed.
- until all findings and recommendations arising from audits or monitoring have been completely resolved.

## **INVENTORY CONTROL**

All materials and capital outlay costing \$1,000 or more per unit/set are subject to specific inventory management and control requirements as follows:

1. Items acquired using federal or state monies shall be physically marked by source of funding.
2. Inventory must be current and available for review and audit. The following information must be included:
  - a description of the property, including manufacturer's model number, if any
  - manufacturer's serial number or other identification number
  - identification of the funding source under which the property was acquired
  - acquisition date and unit cost
  - source of property (company name)
  - percentage of federal funds used in the purchase of the property
  - present location, use, condition of the property, and date the information was reported
  - all pertinent information on the ultimate transfer, replacement, or disposition of the equipment
3. Inventory must be updated as items are purged or new purchases are made.
4. Adequate safeguards must be in effect to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated and fully documented. The school district is responsible for replacing or repairing lost, damaged, destroyed, or stolen property. If stolen property is not recovered, the school district should submit copies of the investigative report and insurance claim to DESE. Replaced equipment is automatically considered discretionary grant equipment and should be inventoried accordingly.
5. Adequate maintenance procedures must be implemented.

6. A physical inventory of items must be taken and the results reconciled with the inventory records at least once every two years.

### **DISPOSITION OF CAPITAL OUTLAY**

Equipment is all property costing over \$1,000 that is electrical or mechanical in nature and which would normally be repaired instead of discarded or replaced. Equipment with an acquisition cost of **less than \$2,000** which is at least five years old and no longer effective may be purged or transferred to the school district at no cost upon DESE approval. Records of transferred equipment must be retained for three years from date of transfer. The written request to purge or transfer must include:

- item
- date of acquisition
- original cost
- reason for purge or transfer
- anticipated use

School districts must request from DESE disposition instructions for capital outlay with an acquisition cost of **\$2,000 or more** per unit.

School districts given permission to purge equipment less than five years old will not be given approval to purchase similar equipment until the five-year period has ended.

### **BUDGET CATEGORIES SUMMARY**

6100 *Salaries* - Amounts paid for full- and part-time employees of the LEA, including:

- full- and part-time certificated teachers
- substitute teachers
- supplemental pay (extra-curricular for certificated personnel)
- full- and part-time non-certificated employee pay
- unused sick or severance pay for non-certificated employees

6200 *Employee Benefits* - Amounts paid by the LEA on behalf of employees over and above the gross salary; not paid directly to employee. Benefits include:

- teacher and non-teacher retirement
- Old Age, Survivors and Disability Insurance (OASDI), and Medicare
- employee insurance (e.g., dental, life)
- worker's compensation
- unemployment compensation
- other employee-provided services

6300 *Purchased Services* - Amounts paid for personnel not on the LEA's payroll, and for services required by the LEA. Such services may be purchased from another school district. The following may fall under this category:

- professional and technical services (e.g., architectural, legal, dental)
- instructional (e.g., tuition paid to other districts; curriculum consultants)
- pupil and staff services
- audit, data processing, and like services
- property services (e.g., cleaning, repairs, maintenance)
- transportation (contracted and non-contracted)
- staff travel

- insurance (other than employee benefits)
- communication (e.g., advertising, printing)
- other (e.g., contracted food services)

6400 *Supplies and Materials* - Amounts paid for expendable items that are consumed, worn out, or which become part of more complex units or substances. These include:

- general supplies, including freight and cartage
- free and regular textbooks
- library books, periodicals, resource materials
- food (items usually claimed on the School Food Service Reimbursement form)
- energy (electric, gas, oil)
- other supplies and materials

6500 *Capital Outlay* - Expenditures for fixed assets or additions to fixed assets. Capital outlay is considered to be an object that is purchased. Unit cost must be over \$1,000. It covers:

- land, buildings, and other improvements
- regular equipment
- instructional equipment
- vehicles
- other capital outlay

**NOTE:** Detailed expenditure object code descriptions may be found in the Missouri Financial Accounting Manual, PROCEDURE NO: CDE-407, Revised July 1997.

**Example:**

VIII - F. HOMELESS CHILDREN AND YOUTH PROGRAM ACTIVITY BUDGET	
BUDGET ITEMIZATION	GRANT FUNDS REQUESTED
<b>6100: Salaries</b> <b>Homeless Coordinator (.50 FTE)</b> <b>Homeless Case Manager (1 FTE)</b>	<b>\$23,000</b> <b>\$42,659</b>
<b>6100 Subtotal</b>	<b>\$65,659</b>
<b>6200: Employee Benefits (optional categories)</b> FICA Medicare Retirement (Teacher or Non-Teacher) Health, Life, and/or Dental Insurance Other Benefits	<b>3,127</b> <b>3,872</b> <b>4,416</b> <b>1,175</b>
<b>6200 Subtotal</b>	<b>\$12,590</b>
<b>6300: Purchased Services</b> <b>Professional Development to attend local and national conferences - \$5,000</b> <b>Transportation costs – cabs, bus passes, mileage reimbursement</b>	<b>\$5,000</b> <b>\$40,000</b>
<b>6300 Subtotal</b>	<b>\$45,000</b>
<b>6400: Materials/Supplies</b> <b>School supplies</b> <b>School clothing</b> <b>Books</b> <b>Hygiene supplies</b> <b>Program supplies (office supplies)</b> <b>Snack for tutoring</b>	<b>\$4,000</b> <b>\$1,000</b> <b>\$1,000</b> <b>\$1,000</b> <b>\$500</b> <b>\$250</b>
<b>6400 Subtotal</b>	<b>\$7,750</b>
<b>6100-6400 SUBTOTAL</b>	<b>\$130,999</b>
<b>Indirect Cost Optional</b> (Restricted Rate: ____% X Subtotal)	<b>\$0</b>
<b>6500: Capital Outlay</b> <b>Laptop for shelter tutoring - \$1,000</b>	<b>\$1,000</b>
<b>6500 Subtotal</b>	<b>\$1,000</b>
<b>TOTAL - (Transfer Subtotal and Indirect Cost funding areas to SECTION II)</b>	<b>\$131,999</b>

## **STUDENT PRIVACY AND SOCIAL SECURITY NUMBERS**

The Privacy Act of 1972, among other things, established the criteria by which an organization can legitimately request certain kinds of personal information from its patrons. In the case of Social Security numbers, the law is interpreted to mean that any organization or agency wishing to use this number must have a legitimate reason for doing so. Employers, for example, may require it in order to comply with reporting obligations to the Internal Revenue Service.

Since public school districts have no such obligations, that is, no legitimate reason for having the number, they may **not** require or even suggest students provide a Social Security number to enroll in school. While having the number may be a convenience, requiring it is in clear violation of the law. Appendix D contains the Guidelines Regarding The Use of Social Security Numbers.

Certain entities with which many schools are associated can and do legitimately require Social Security numbers. Two common ones are social services, such as Medicaid, and college and university scholarship sources. In these cases, schools can explain the reasons for using Social Security numbers, and instruct the student or parent wishing to apply for the service to do so directly, *without giving the number to the school*. Some other services used by schools, such as the state Dropout Hotline, request Social Security numbers but cannot require them; here again the number is used as a convenience.

In summary, schools should take the following steps to ensure that no one is discouraged from enrolling in public school:

- Remove all blanks for Social Security numbers from enrollment forms and other school documents.
- Instruct all district staff, both professional and support, that Social Security numbers are not required of students to enroll in school, *or to apply for and receive free or reduced lunches*.
- Refrain from asking for any other information or documents that can be tied to U.S. residency.

## **PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND EDUCATORS**

School districts are encouraged to discuss with private schools the services that may be provided by the Homeless Children program to eligible private school children, their teachers, or other educational personnel. Services to nonpublic school children must be performed on public or neutral grounds if applicable to a specific discretionary program. The Constitution and laws of the State of Missouri and federal laws apply. If you have specific questions about the participation of private school children and educators, please call the Director of Federal Discretionary Grants at 573-526-3232.

## **CONTROL OF PUBLIC FUNDS**

The public school district controls funds, employment, and contracts used to provide services to nonpublic students. Services shall be provided by employees of a public agency or through contract with an individual, association, agency, or organization independent of the private school and any religious organization. The district makes the final decision with respect to the services provided to nonpublic children with funds from the federal or state discretionary programs.

## **COMPLAINT RESOLUTION PROCEDURES**

School districts must have board-adopted, written procedures to resolve allegations of violations of requirements under the federal or state programs. The procedures should be made known and a copy maintained in each building. DESE has adopted written procedures in the event that a complainant disputes a school district decision. Districts must disseminate, free of charge,

adequate information about the complaint procedures to parents of students and appropriate school officials or representatives. To review the complaint resolution process recommended by the Department of Elementary and Secondary Education, please visit our website at: <http://dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/Complaint%20Procedure.pdf>. Appendix B also contains the complaint resolution process recommended by the Department of Elementary and Secondary Education.

## **SUSPENSION OF APPROVAL**

When DESE finds that a school district receiving funds under a federal or state program has failed to comply with legal requirements or with the approved application, corrective action must be taken immediately and documentation must be submitted to DESE within a reasonable period of time (generally within two months). Failure to respond adequately will result in either or both of the two following actions:

- suspension of further payments for the noncompliant program until appropriate documentation is provided;
- denial of the use of funds for all or part of the cost of the program activity not in compliance.

## **MONITORING**

DESE will monitor recipients receiving McKinney-Vento funds by:

- On-site monitoring of all new recipients of McKinney-Vento funds yearly
- On-site monitoring if grant recipient received a McKinney-Vento grant in the previous year and was not monitored
- On-site monitoring if any program is out of compliance that receives McKinney-Vento funds yearly
- Desk monitoring of all recipients of McKinney-Vento funds
- On-site monitoring if desk monitoring suggests deficiencies with programs that receive McKinney-Vento funds as needed
- On-site monitoring visits of 50% of all programs that receive McKinney-Vento funds in a given year
- On-site monitoring if the program was funded in the prior year and did not receive an onsite monitoring visit.
- If 50% of programs receiving McKinney-Vento funds are not new they will be monitored based on what other Discretionary Grants programs they receive funds for, how long they have received McKinney-Vento funds, and based on grant approval amount.

The following tools will be used during those monitoring visits:

- Discretionary Grants' personnel monitor LEAs receiving McKinney-Vento funds on-site using the Discretionary Grants Checklist.
  - If the school district is in compliance a letter will be sent informing the school district they are in compliance.
  - If the school district is not in compliance a letter will be sent informing the school district what is needed to ensure compliance with a deadline.
  - If the school district is not in compliance and a follow up visit is required Discretionary Grants' personnel will set up additional on-site monitoring visits.
  - Once the school district is in compliance a letter will be sent informing the LEA they are in compliance.
  - If the school district is not able to become in compliance funding will be in jeopardy.
- Discretionary Grants' personnel monitor school districts receiving McKinney-Vento funds by desk monitoring using the Discretionary Grants Checklist.

- Discretionary Grants' personnel monitor school districts receiving and those not receiving McKinney-Vento funds by desk monitoring using the Migrant, ELL, and Homeless Checklist. Every school district that is to be monitored for the Missouri School Improvement Program is to complete this form.
- Department personnel, through the Missouri School Improvement Program, monitor all the policies and procedures pertaining to homeless children and youths that include: enrollment identification, needs assessment, placement, services, records transfer, resolution of grievances, and the district identification of a working homeless coordinator. Schools are monitored once every five years through the Missouri School Improvement Program. When noncompliance does occur, the State Homeless Coordinator offers technical assistance until compliance is met.

## **SCHOOL BUSES**

School buses are the safest way of transporting children since buses are designed with special safety features called compartmentalization. Compartmentalization is a passive crash protection system that includes strengthened bus bodies, close spacing of the seats, padded, flexible, and higher seat backs.

School districts may use district-owned buses or contract with a school bus company to provide transportation services. The school bus contractor must comply with all state statutes and State Board of Education regulations that govern transportation by Missouri public school districts.

## **PUPIL TRANSPORTATION IN VEHICLES OTHER THAN SCHOOL BUSES 5 CSR 30-261.045**

**PURPOSE:** Section 304.060, RSMo, authorizes vehicles other than approved school buses to be used for transportation of students. This rule establishes standards for transportation in vehicles other than approved school buses.

- (1) Requirements for transportation of students in vehicles designed for transporting more than ten (10) passengers including the driver.
  - (A) After July 1, 2001, newly purchased, newly leased, newly placed into service, newly contracted vehicles or vehicles replaced under contracted services with a rated capacity, as defined by the manufacturer, to carry more than ten (10) passengers including the driver that are used to transport students to or from school or to transport students to or from any place for educational purposes or school purposes shall meet state and federal specification and safety standards applicable to school buses. Contract common carriers meeting federal Department of Transportation standards may be used for field trips as outlined in section (3) of this rule.
- (2) Requirements for transportation of students in vehicles designed for transporting ten (10) passengers or less including the driver.
  - (A) The number of passengers, including students and driver, that may be transported at any one (1) time shall be limited to the number the manufacturer suggests as appropriate for that vehicle in accordance with section 304.060, RSMo, or if not posted in the vehicle, then limited to the number of seat belts in the vehicle.
  - (B) The driver and each passenger shall be properly secured with the appropriate seat restraint at all times while the vehicle is in motion.
  - (C) Motor vehicles designed for enclosed passenger transportation may be used subject to approval by the local board of education.
  - (D) Motor vehicles shall be licensed according to law and shall display a current state safety inspection sticker.



- (E) The driver of a district owned or district contracted vehicle shall have a valid Missouri operator's license for the motor vehicle and comply with section 302.272, RSMo, and 5 CSR 30-261.010(2)(A)1-3, not to include a parent or guardian transporting only their children under a written contract with the district and who is not compensated by the district. The parent or guardian shall have a valid Missouri operator's license for the vehicle operated as per 5 CSR 30-261.010(2)(A).
  - (F) The driver of a privately owned vehicle who is not compensated by the school district to transport students to and from school or school related events shall have a valid Missouri operator's license for the vehicle operated as per 5 CSR 30-261.010(2)(A). This shall include any person who transports school children as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator as per section 302.010 (19), RSMo. Compensation shall be defined for the purpose of this section as any reimbursement received by the driver that exceeds the average cost of operating a car per mile as established by the American Automobile Association.
  - (G) Motor vehicles shall have liability insurance coverage in accordance with section 537.610, RSMo, and as required by the local board of education.
  - (H) When transportation service in motor vehicles other than those licensed as school buses is contracted, there shall be a written contract between the district and the individual or firm providing the service.
- (3) Requirements for Transportation of Students in Authorized Common Carriers.
- (A) Authorized common carriers shall only be used to transport students to and from field trips or other special trips for educational purposes and shall not be used to transport students to and from school. Authorized common carriers, as used in this rule, are over-the-road intercity-type coaches equipped with reclining seats, air conditioning and restroom facilities, and holding authority from the Missouri Department of Economic Development, Division of Motor Carrier and Railroad Safety, or the Federal Motor Carrier Safety Administration.
  - (B) There shall be a written contract between the district and individual or firm providing the vehicle.
  - (C) All contracts with authorized common carriers shall include:
    - 1. Proof of liability insurance in the amount of five (5) million dollars per accident; and
    - 2. Proof of safety inspection and compliance with applicable federal Motor Carrier Safety Regulations.
  - (D) The driver of an authorized common carrier shall hold a valid Missouri commercial driver's license or a similar license valid in any other state and shall comply with all applicable driver qualifications of the federal Motor Carrier Safety Regulations.

If you have any questions regarding the above information, refer to the School Transportation Administrator's Handbook found on the following website:

<http://dese.mo.gov/divadm/trans/adminhandmenu.html>

**HOMELESS CHILDREN AND YOUTH PROGRAM  
TITLE X – C MCKINNEY-VENTO HOMELESS ASSISTANCE ACT  
SUBTITLE VII-B (SECTIONS 721-726) AS AMENDED BY THE  
NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110)**

**SPECIFIC GUIDELINES**

**INTRODUCTION**

Subtitle VII-B, Education for Homeless Children and Youth, of the McKinney-Vento Homeless Assistance Act (McKinney Act - P. L. 107-110) as amended by the No Child Left Behind Act of 2001, provides state education agencies with grant funds to carry out policies ensuring homeless children and youth access to a free, appropriate public education including a public preschool education which is provided to the children of a resident of a state and is consistent with the state's school attendance laws. In addition, funds are used to review and revise the residency requirements of compulsory state school attendance laws if these laws present barriers to free and appropriate education of homeless children and youth.

Under the McKinney Act, each state is required to:

- ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, provided to other children and youth;
- review and undertake steps to revise such laws, regulations, practices, or policies having a compulsory residency requirement as a component that may act as a barrier to enrollment, attendance, or success in school of homeless children and youth and to ensure them the same free, appropriate public education provided to other children and youth;
- ensure that homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and
- ensure homeless children and youth access to education and other services such children and youth need to meet the same challenging state student performance standards to which all students are held.

In accordance with the McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act of 2001, the State of Missouri has devised a State Plan for Homeless Children and Youth. The plan is designed to aid LEA's with the federal and state educational requirements of homeless children and youth. This plan may be obtained by visiting DESE's website at:

<http://dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/index.html>

**ELIGIBLE GRANT APPLICANTS**

School districts that have an identified homeless population of 20 or more homeless children and youth per year are eligible to apply, on a competitive basis, for grant funds to provide educational support activities for homeless children and youth.

**HOMELESS CHILDREN & YOUTH GRANT FUNDING**

School districts may apply for funding based on the number of homeless children and youth being educated in the district up to a maximum level of \$400 per homeless child. The minimum amount of an approvable grant is \$8,000. The maximum amount any district may apply for is \$150,000

(375+ students) regardless of the number of homeless children and youth being educated in the district.

### **ALLOWABLE USE OF GRANT FUNDS**

- to defray the excess cost of transportation to enable homeless students to attend their school of best interest;
- for services and assistance to attract, engage, and retain homeless children and youth and unaccompanied youth in public school programs and services provided to non-homeless children and youth;
- tutoring, supplemental instruction, enriched educational services that are linked to the achievement of the same state content and performance standards as for other children or youth;
- to expedite evaluations of strengths and needs of homeless children and youth;
- professional development and other activities for educators and pupil service personnel to heighten the understanding of homeless children and youth;
- referral services to homeless children and youth for medical, dental, mental, and other health services;
- before and after school mentoring and summer programs for homeless children and youth in which a teacher or qualified individual provides tutoring, homework assistance, and supervision of educational activities;
- where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school;
- developmentally appropriate early childhood education programs not otherwise provided through federal, state, or local funding for preschool-aged children;
- education and training to the parents of homeless children and youth about the rights and resources available to such children and youth;
- the coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;
- pupil services (including violence prevention counseling) and referrals for such services;
- activities to address the particular needs of homeless children and youth that may arise from domestic violence;
- the adaptation of space and purchase of supplies for non-school facilities to serve the needs of homeless students;
- school supplies, including those supplies to be distributed at shelters or temporary housing facilities or other appropriate locations;
- other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

### **MAINTENANCE OF FISCAL EFFORT**

School districts may receive funds under the Homeless Children and Youth Program without penalty only if the combined state and local expenditures for free public education for any fiscal year was not less than 90 percent of the combined state and local expenditures for the prior fiscal year. DESE determines maintenance of fiscal effort using data from the Annual Secretary of the Board Report.

### **REQUIREMENTS FOR SERVING HOMELESS CHILDREN AND YOUTH**

**Every LEA in the state should be aware of the following information regardless of whether they receive a Homeless Children and Youth grant.**

## **DISTRICT HOMELESS COORDINATOR**

Every school district in the state must designate a board-appointed homeless coordinator. The homeless coordinator must work to ensure that homeless children and youth have equal access to the same free public education as is provided to other children and youth.

The district homeless coordinator responsibilities include:

- assist with immediate enrollment of homeless children and youth and provide assistance with obtaining academic and medical records;
- make school placement decisions on the basis of the best interest of the child and wishes of the parent, guardian, or unaccompanied youth (if the school of best interest is different than the parent or guardian or unaccompanied homeless youth's wishes, then a written statement explaining the school placement decision and the appeal rights must be provided to the parent, guardian, or unaccompanied homeless youth);
- handle enrollment disputes (homeless children or youth must be enrolled in the school in which the parent, guardian, or unaccompanied homeless youth seeks enrollment during the dispute and the coordinator will carry out the state's grievance procedure as quickly as possible after receiving notice of the dispute);
- prohibit the segregation of homeless children and youth;
- provide/arrange transportation and inform the parent, guardian, or unaccompanied homeless youth of the transportation services the school district must make available and assist the homeless children and youth in accessing transportation to and from school;
- inform parent, guardian, or unaccompanied homeless youth of the educational and related opportunities available to them;
- disseminate public notice of the educational rights of homeless children and youth in places homeless children and youth receive services (soup kitchens, shelters, salvation army, school, PAT areas, food pantries, community organizations, etc.). The school district and phone number of the homeless coordinator may also be listed on the notice for contact information;
- coordinate and collaborate with community and school personnel concerning issues related to the education of homeless children and youth.

## **IDENTIFICATION**

A homeless individual is one who:

- A. lacks a fixed, regular, and adequate nighttime residence; and
- B. includes--
  - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));
  - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

The first category may include some individuals who have moved in with others, and consideration of each individual case, along with the permanency of the situation, will probably be needed in order to identify those who are homeless.

In 1995, the U.S. Department of Education issued non-regulatory guidance, which included the following:

- Children in foster care should not be considered homeless unless they are temporarily placed in foster care because of lack of shelter space.
- Children who are runaways should be considered homeless even if their parents have provided or are willing to provide a home for them.
- Children who are “throwaway children” should be considered homeless until a fixed, regular, and adequate residence is established for them.
- All abandoned children are homeless until a fixed, regular, and adequate residence is established.
- Children who live with friends or relatives because of loss of housing or other similar situation should be considered homeless.
- Children living in “doubled up” families may be considered homeless if the family is doubled up or tripled up because of loss of housing or a similar situation.
- School aged, unwed mothers or mother-to-be who reside in a home for unwed mothers should be considered homeless if they have no other available living accommodations.
- Migrant children should not be considered homeless unless they meet the definition in the McKinney Act.

**Student Privacy and Social Security Numbers:** Refer to page ten or Appendix A for information regarding these guidelines.

**School Assignment of Homeless Children and Youth:** The McKinney-Vento Homeless Assistance Act, Subtitle VII-B of 2001, requires that states assure that local education agencies enroll homeless children and youth **immediately** in the school of their best interest. Every effort should be made to provide for continuity of the student’s education.

It may be in the student’s best interest to continue enrollment in the school of origin. School of origin may be defined as the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. To the extent feasible, a homeless child or youth should remain in the school of origin, except when doing so is contrary to the wishes of the child’s or youth’s parent or guardian. It may, however, be in the child’s or youth’s best interest to enroll in the school of the attendance area of the current residence. In determining the best interests of the child or youth, the local education agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection. The choice regarding assignment shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents, or whether the child or youth is unaccompanied. If the school district sends a child or youth to a school other than the school of origin or a school requested by the parent or guardian, the school district shall provide a written explanation including the right to appeal the decision to the parent or guardian. In the case of an unaccompanied youth, the homeless coordinator (designated by the school district) shall assist in placement or enrollment decisions while considering the views of the unaccompanied youth and providing notice to the youth of the right to appeal.

The homeless child or youth shall be immediately enrolled even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. The term “enroll” and “enrollment” includes attending classes and participating fully in school activities. The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records. If the child needs to obtain immunizations, or immunization or medical records, the

enrolling school shall immediately refer the parent, guardian, or unaccompanied youth to the district homeless coordinator who shall assist in obtaining necessary immunizations or medical records.

If the school of best interest and the current residence are in different school districts, the local homeless coordinators of the two districts should work together to facilitate the placement.

**Placement in Appropriate Level of Instruction:** Placing a student at the appropriate class level or level of instruction when he/she enters school is always a challenge; however, it is a special challenge for a child with no records from the school(s) previously attended. In such situations for homeless children and youth, school personnel are urged to do a quick, appropriate assessment of the child's strengths, weaknesses, and achievements and then make the best possible temporary placement until more information is available. If records are not received in ten or more school days, the state homeless coordinator may be contacted for assistance in resolving the matter.

**Maintaining and Sharing Appropriate School Records:** Schools must use great care in maintaining and keeping up-to-date records on children identified as homeless. Given the transience of homeless students, copies of cumulative records, or other evidence of placement or special needs, may be given to the parent as allowed under the Family Education Rights and Privacy Act (FERPA). Upon the enrollment of a homeless child, a school is encouraged to accept copies of records, or other evidence of placement provided by the child's parent, for purposes of immediate placement and delivery of education and support services. Thereafter, the receiving school should request copies of the official records from the school of origin. The availability of records to requesting school districts should be handled as expeditiously as possible. It is recommended that school districts use such avenues as the telephone, fax machines, and express mail services for verification of test scores, immunization records, and program eligibility, with the understanding that for those records transferred by electronic means, a hard copy of the document will be mailed as quickly as possible. **Lack of school records must not delay the enrollment of a homeless child. If a parent or caregiver needs to request/obtain another copy of a child's birth certificate, a reasonable amount of time should be given to the parent or caregiver to do so.**

**Testing:** Homeless students should be tested as quickly as possible when the need becomes apparent for such testing. Districts are encouraged, however, to obtain all relevant information about prior testing to avoid duplication. Possible methods of obtaining this information include phone contact with the school principal or the homeless coordinator in the previous district, interviews with the parents and/or student, and review of any available records, which may indicate test results. Other valuable information can be obtained quickly through informal assessment procedures, including interviews, oral readings, and other techniques used by school counselors, special education teachers, and Title I teachers.

**Immunization Records:** Once district officials have determined that an enrolling student is homeless, the district's homeless coordinator must assist in the student in obtaining his/her education, immunization, medical, and other records. According to McKinney-Vento, the student must be enrolled in the interim. If the homeless coordinator is unable to obtain prior immunization records within thirty (30) days of enrolling and the student is still eligible for services under the homeless education program; the student must begin the immunization series and demonstrate that satisfactory progress has been accomplished within (90) days. If the homeless student maintains that he/she is exempted from receiving immunizations, then after thirty (30) days the

student must provide documentation in accordance with the exemption requirements provided for in § 167.181.3, RSMo. (See <http://www.moga.mo.gov/statutes/C100-199/1670000181.HTM>.)

**Providing Comparable Services in Regular Programs:** Because of the temporary nature of their school enrollment, homeless students are often denied access to programs available to other students. Homeless students should be given the opportunity to participate in all available school programs. These programs may include, but are not limited to, transportation services, counseling programs, elective classes, incentive grant programs, fine arts classes, and industrial/vocational classes, gifted/talented programs, and school nutrition programs.

In the case of a homeless student who is a member of a minority group, Title VI of the Civil Rights Act of 1964 provides that these students may not be discriminated against in the assignment to schools, classes, programs, or activities. The McKinney-Vento Act provides that homeless students may not be isolated or stigmatized because of their homelessness.

**Providing Comparable Services in Special Programs:** Children who suffer the effects of homelessness are often moved from town to town and school to school. As a result of the rapidly changing and transient lifestyle imposed upon them, these children may not receive the special services to which they are entitled, or for which they have great need. The McKinney-Vento Act requires that homeless children are entitled to these comparable services regardless of the permanency of their residence in the district. These services include programs for children with disabilities and educational programs for students with limited English proficiency.

## **TRANSPORTING HOMELESS CHILDREN**

**Intra-District Transportation:** The attendance center is assigned by local school district officials for each pupil residing within its boundaries. If a student becomes homeless during the school year and temporarily resides in a different attendance area, the parent, guardian, or unaccompanied youth and the district homeless coordinator should decide whether or not it is in the student's best interest to remain at the school of origin. Local district policy determines at what distance (less than 3 ½ miles) the school district will provide transportation for its pupils. Therefore, depending upon each local district's policy, transportation may be provided and state aid claimed for transporting the homeless student to and from the school of origin.

State transportation aid can be claimed and paid on all pupils living one (1) mile or greater from their assigned attendance center.

Pupils living less than one (1) mile from their assigned attendance center may be transported by the district, however, no state aid can be claimed for these pupils.

**Inter-District Transportation:** When the school of origin is in a school district different from the one in which the homeless student is temporarily residing and a determination is made that the student should remain at the school of origin, transportation may be provided. An agreement may exist between the resident school district and the school district in which the school of origin is located, for the intention of transporting the homeless student.

Both districts must equally split the cost of transporting a homeless student to the school of origin, or if the school of origin is not determined to be in the best interest of the child, to the school of best interest. It is, however, the resident district's responsibility to fill out and submit the homeless transportation reimbursement form to our department for both districts involved. If only the resident district is involved then the district submits the reimbursement form to our department for the amount of excess cost of transporting the homeless student. This applies to all cases of

homeless transportation reimbursement except when the resident district has a homeless grant, then the non-grant district is responsible for filling out and submitting their own homeless transportation reimbursement form. (State on the form that the resident district has a homeless grant.) **Homeless Transportation Reimbursement requests must be from the current fiscal year and must be submitted after the actual transportation has occurred. No prior year's reimbursement will be funded.**

The resident school district may claim state aid for providing transportation through a variety of options:

- A. the resident school district may provide the transportation;
- B. the resident school district may contract with the school district of attendance to have it provide the transportation; or
- C. the resident district may contract with a school bus contractor, taxi cab company, homeless shelter, or an individual with the proper license/permit to provide the transportation to and from the assigned attendance center.

Refer to page eleven in this manual for guidance concerning pupil transportation in vehicles other than school buses. Also, refer to our website at:

<http://dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/index.html>

for information regarding contractual transportation scenarios and Annual Secretary of the Board Report Coding information.

**Homeless State School Transportation:** When a homeless student attends a state school, the school district where the student resides and the school district where the state school is, will split the excess cost of transporting the homeless student to the state school.

**Claiming State Transportation Aid:** The transportation of a homeless student will be treated and reimbursed at the same rate as all other pupil transportation expenditures. The resident district must have route miles on its Route Approval Report submitted to the local board of education for approval and on the Application for State Transportation Aid (as with any other route mileage); and the expenditures must be reported on the Annual Secretary of the Board Report in an appropriate transportation line.

## **HOMELESS CHILDREN AND YOUTH TRANSPORTATION REIMBURSEMENT**

Funds have been set-aside at DESE for the reimbursement of the excess cost of transporting homeless children and youth to the school of origin/best interest. These funds are reserved for the districts that did not receive a homeless grant. Districts receiving a homeless grant should include transportation reimbursement into their original grant.

This form is to be completed by the resident district for both school districts that will be equally sharing the cost of providing transportation services for homeless children and youth to the school of origin/best interest.

The transportation form and the instructions are located on the Discretionary Grants' web site. For further information or a copy of the form, please call the state homeless coordinator in the Discretionary Grant Section at 573-522-8763. For assistance with completing the transportation reimbursement form, please call the Federal Financial Management Section at 573-751-2641.



## **STAFF DEVELOPMENT FOR TEACHERS**

Professional development activities should be provided for school personnel that are designed to heighten their sensitivity to the needs of homeless children and youth, the rights of such children and youth, and the specific educational needs of runaway and homeless youth. Homeless children and youth must not be isolated or stigmatized, and teachers and other school personnel must feel comfortable working with them and their families if they are to make them feel safe and welcome in the school. A school district may provide their district's staff with professional development activities provided by knowledgeable shelter personnel or staff from other school districts.

## **USE OF TITLE I FUNDS**

A child or youth who is homeless and is attending any school in the district is eligible for Title I services. **The school district must set aside sufficient Title I funds to provide comparable services to eligible homeless children who do not attend participating schools.**

Title I of the Elementary and Secondary Education Act (ESEA) targets those students most at risk of failing in school. Among students at risk of school failure are children and youth experiencing homelessness.

Local Title I funds may be used to:

- help students at risk of failing to achieve high state standards. Examples of services may include: extended days/learning opportunities, homework clubs, Saturday schools, early morning tutoring, summer intercessions, summer academic camps;
- coordinate services with shelters or other homeless service providers as appropriate;
- train teachers on strategies for assisting homeless, sensitivity to issues, confidentiality;
- purchase supplies for class and homework; paper, pencils, notebooks, book bags, locks for lockers, uniforms, basic hygiene supplies, laminated copies of school records for portability;
- provide home/school homeless student coordinator services;
- provide counseling/case managed services to help students deal with chronic stress of homelessness when all other available resources are exhausted.

## **HOMELESS TRANSPORTATION REIMBURSEMENT**

Homeless Transportation Reimbursement may be requested only after transportation services have been received. Districts may not request projected amounts in advance. DESE will process Homeless Transportation Reimbursement requests once a month.

### **Definitions**

Non-Grant districts are those districts that do not have a homeless grant. Grant districts are those districts that do have a homeless grant.

### **Two non-grant districts**

Resident district submits one reimbursement form signed by both districts for both districts. (Costs will be split equally between the two districts.) DESE will reimburse both districts one-half of the transportation costs minus their state transportation reimbursement amount (one half of the total mileage).

### **One non-grant and One grant district**

Non-grant district submits one reimbursement form for one-half of the transportation costs. DESE will reimburse that district for one-half the transportation costs minus their state transportation reimbursement amount (one half of the total mileage).

Grant district may not apply for homeless transportation reimbursement, but they must sign the form.

**Resident non-grant district transporting within district**

Resident district submits reimbursement form for total transportation costs minus state transportation reimbursement.

# **Appendix A**

## **DIRECTIONS FOR COMPLETION OF THE DISCRETIONARY GRANTS APPLICATION HOMELESS CHILDREN AND YOUTH**

Submit an original and three copies of Sections I, II, III, IV, V, VI, VII, and VIII postmarked by May 15, 2007, to the following address:

Federal Discretionary Grants  
Department of Elementary and Secondary Education  
205 Jefferson Street, PO Box 480  
Jefferson City, Missouri 65102-0480

Narratives must be typed, confined to space provided, and restricted to 10-12 pt. font size. If you complete the application on-line it is set to a default font of 10 pt. **No attachments will be accepted with the application.**

### **SECTION I - FOR DESE USE ONLY**

**The signature of the authorized DESE official is for Department use only.**

### **SECTION II - TOTAL BUDGETS BY PROGRAM**

Total budgets for each discretionary grant must be completed and shown in the grid.

### **SECTION III - DISTRICT AND PROGRAM INFORMATION**

List the name of the district who will be serving as the fiscal agent for the grant(s) and indicate the board-authorized representative for the total grant package. Complete the grant contact information for each discretionary grant being completed. The grant contact should be someone who knows the grant well and will be in daily contact with the project staff.

### **SECTION IV - ASSURANCES AND CERTIFICATION**

**Original signature of the superintendent or authorized representative guarantees all assurances will be met.**

### **SECTION V – INDICATORS OF NEED**

District level information can be located:

- District Student Enrollment: <http://dese.mo.gov/schooldata/> (School District “Report Cards”)
- District Free and Reduced Lunch Percentage: <http://dese.mo.gov/schooldata/> (School District “Report Cards”)
- District Dropout Rate: <http://dese.mo.gov/schooldata/> (School District “Report Cards”)
- MSIP Accreditation: <http://dese.mo.gov/schooldata/> (Missouri School Directory)
- District Reading and Math Adequate Yearly Progress (AYP):  
<http://dese.mo.gov/schooldata/> (Annual Performance Report (APR) and AYP)
- Homeless Children and Youth Count conducted by the District on the total number of homeless children and youth served one day **OR** by the total number of homeless children

and youth served during the entire previous school year **OR** the results of DESE's census as required by federal legislation. The DESE census can be found on our website at: <http://dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/Hmcensus.htm> under 05-06 Homeless Census Results by School District.

## SECTION VI - GRANTS AND THEIR RELATIONSHIP TO THE MSIP PROCESS STANDARDS

Check only the boxes in each process area that will be addressed by the grant(s) for which an application is being made. Refer to the MSIP Planning Matrix on page 26.

## SECTION VII - DISTRICT'S GOALS/OBJECTIVES

Complete the District Goal section for each of the District's goals/objectives and the measurement of each goal/objective that will be addressed by specific strategies in the Homeless Children and Youth application.

Complete the District's Homeless Achievement Goal #5 and the measurement of this goal/objective that will be addressed by specific strategies in the application.

## SECTION VIII - HOMELESS CHILDREN AND YOUTH PROGRAM

School districts may apply for funding based on the number of homeless children and youth being educated in the district up to a maximum level of \$400 per homeless child. The minimum amount of an approvable grant is \$8,000. The maximum amount any district may apply for is \$150,000 (375+ students) regardless of the number of homeless children and youth being educated in the district.

**Section VIII - A. Project Information:** Complete section as indicated.

Check the box that indicates how the Homeless Children and Youth Census information was determined. This information must be broken down for the categories listed and the number to be served by this grant.

### Example:

Homeless Children and Youth Residing within the District Census was based on <i>(check and complete one only)</i>			
<input checked="" type="checkbox"/> Census conducted by the District on a one-day count on _____ (date) OR by the total number served during the school year for the year <b>2006-2007</b>			
<input type="checkbox"/> Census data from DESE on _____ (date)			
GRADE/AGE	NUMBER LIVING IN OTHER PLACES	NUMBERS IN SHELTERS	APPROXIMATE NUMBER TO BE SERVED BY PROJECT
PRESCHOOL (ages 3-5)	70	78	40
ELEMENTARY (K-6)	100	50	150
MIDDLE/JUNIOR HIGH (7-8)	67	32	99
HIGH SCHOOL (9-12)	23	3	26
YOUTH/DROPOUT (ages 19-21)	22	22	10

**Section VIII - B. Needs Assessment:** Complete as directed. Check all that apply.

**Section VIII - C. Coordination of Services:** Check all the coordination efforts for this grant.

**Section VIII - D. Homeless Children and Youth Program Funding:** Describe how the proposed use of funds would facilitate the enrollment, retention, and success of homeless children and youth in school.

**Section VIII - E. Homeless Children and Youth Program Activities:** Complete an activity section for each grant activity. Indicate how it is related to the District's Goals/Objectives for each activity. Use the District Goal Numbers from *Section VII – District's Goals/Objectives*. The activities related to administration, evaluation, collaboration, policies and procedures, and academic achievement must be completed as indicated; then up to three (3) additional activities may be implemented. Administration should explain how the program will be administered and who will administer the program. Evaluation should include how the program will be assessed throughout the grant cycle. Collaboration should describe both inter-district collaboration and collaboration with local agencies and other service providers. Policies and Procedures must include a description of policies and procedures consistent with the prohibition on segregation that your district will implement to ensure that activities carried out will not isolate or stigmatize homeless children and youth. Academic Achievement Outcomes must include how all homeless children and youth will be included in assessments the district administers. The district must describe how data will be collected to ensure that District Goal #5 is reported on and met. Each activity must have a concise description and must explain both the evaluation method of the activity and the time span for the activity. For purpose of evaluation MAP data can be used. However, MAP scores cannot be the only method of evaluation used for Activities 1-4 and 6-8, because MAP results will not be received in time to evaluate an activity accurately. The typed narrative must be confined to space provided using 10-12 point font.

**Section VIII - F. Homeless Children and Youth Program Activity Budget:** Complete this section to indicate total costs of implementing all activities. Provide a brief itemization of the line item and its cost. Each cost area must be subtotaled and then a grand total given. For examples see Administrative Manual, page 7.

These totals must be copied to *Section II - Total Budgets By Program*.

**Example:** Program total funds should be transferred to *Section II - Total Budgets By Program*.

<b>SECTION II - TOTAL BUDGETS BY PROGRAM</b>								
PROGRAM	6100: Salaries	6200: Employee Benefits	6300: Purchased Services	6400: Materials/ Supplies	SUBTOTAL	Indirect Cost Rate _____% (optional)	6500: Capital Outlay	TOTAL
Homeless Children and Youth								

If indirect cost is applied, the district's restricted rate must be used. Administration costs for the total grant cannot exceed 5 percent of the total proposed budget.

## **Missouri School Improvement Program (MSIP) Planning Matrix & Instructions**

The following pages are for your use in planning your consolidated discretionary application. You will see a listing of the two discretionary programs on these pages. A matrix is shown to visually portray which program can furnish funds for this process area and its standards. Below the matrix the same information is explained in more detail.

One of the possible ways you might use these pages in planning would be to determine if your needs assessment or Comprehensive School Improvement Plan indicated a need to improve instruction. In reviewing the pages for Instruction Programs, you might look at Standard 6.3 and notice that every discretionary program may contribute funds in support of this standard. Ways in which you may use these funds are listed below the matrix.

As you are completing your consolidated discretionary application, you will need to mark the process area in which funds are to be used in Section VI - Grants and Their Relationship to the MSIP Process Standards of the application. Each matrix must be kept on file and shown to your federal programs supervisor as part of the monitoring process.

The MSIP Standards and Indicators Manual can be located at the following address:

<http://dese.mo.gov/divimprove/sia/msip/index.html>

Other resources for planning are available through the Federal Programs Website at the following address:

<http://dese.mo.gov/divimprove/fedprog/index.html>

## Instructional Design and Practices

		Homeless Children and Youth
6.1	Curriculum	
6.2	Assessment	
6.3	Instructional Programs	
6.4	Instructional Resources	
6.5	Learning Climate	
6.6	School Safety	
6.7	Professional Development	
6.8	Library Media Center	
6.9	Guidance	

## Instructional Design and Practices

### **Homeless Children and Youth Program:**

- may be used for costs related to this process area as indicated when used for the implementation of the Homeless Children and Youth Program.

## DIFFERENTIATED INSTRUCTION AND SUPPLEMENTAL PROGRAMS

		Homeless Children and Youth
7.1	Special Education	
7.2	Gifted	
7.3	Vocational	
7.4	Preschool	
7.5	Parent Involvement	
7.6	Community Involvement	
7.7	State/Fed. Program Compliance	
7.8	A+ Designation	

### Differentiated Instruction and Supplemental Programs

#### Homeless Children and Youth Program:

- may be used for costs related to this process area as indicated when used for the implementation of a Homeless Children and Youth grant.



## School Services

		Homeless Children and Youth
8.1	District Review	
8.2	CSIP	
8.3	Board Policies	
8.4	Employment Policies	
8.5	Community Resources	
8.6	Fiscal Management	
8.7	Data Reporting	
8.8	Complaint Procedures	
8.9	Public Information	
8.10	Facilities	
8.11	Building Safety	
8.12	Health Services	
8.13	Nutrition	
8.14	Transportation	

## School Services

### Homeless Children and Youth Program:

- may be used for costs related to this process area as indicated when used for the implementation of a Homeless Children and Youth grant.
- may not be used for construction or remodeling of a facility.

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# **Appendix B**

## **MISSOURI FREQUENTLY ASKED QUESTIONS**

**Q. Where can I find the definition of homeless children or youths?**

- A. The McKinney-Vento Homeless Education Assistance Act (42 U.S.C. 11431 et seq.) defines homeless children or youths. (See [http://www4.law.cornell.edu/uscode/html/uscode42/usc\\_sec\\_42\\_00011434---a000-.html](http://www4.law.cornell.edu/uscode/html/uscode42/usc_sec_42_00011434---a000-.html).) Section 167.020.1, RSMo, the state statute defining Missouri's public school residency requirements, conforms to the federal definition. (See <http://www.moga.mo.gov/statutes/C100-199/1670000020.HTM>.) Most Missouri school districts have adopted a written "Homeless Education Program" or "Admission of Homeless Students" policy or regulation that includes this definition. Homeless coordinators/liaisons and school admissions personnel should familiarize themselves with this policy.

**Q. Are homeless children and youths subject to the same residency requirements as other students?**

- A. No. Pursuant to § 167.020.6, RSMo, homelessness is an exception to the residency requirements defined in § 167.020.2 and 3, RSMo.

**Q. What is meant by "immediate" enrollment?**

- A. It means that a homeless student should be enrolled without undue or unreasonable delay. The goal is to ensure that the district does not create a barrier to enrollment.

**Q. May a school district wait until a new semester begins to enroll a homeless child?**

- A. No. The McKinney-Vento Act supersedes district practice regarding enrollment. District personnel should review their board-adopted policy regarding the enrollment of homeless students.

**Q. How does the school district determine if a student fits the definition of "awaiting foster care"?**

- A. The Department recommends contacting the Children's Division of the Department of Social Services for assistance in making a determination as to a student's care status.

**Q. What is Missouri's policy on immunizations for homeless children and youths?**

- A. Once district officials have determined that an enrolling student is homeless, the district's homeless coordinator must assist in the student in obtaining his/her education, immunization, medical, and other records. According to McKinney-Vento, the student must be enrolled in the interim. If the homeless coordinator is unable to obtain prior immunization records within thirty (30) days of enrolling and the student is still eligible for services under the homeless education program; the student must begin the immunization series and demonstrate that satisfactory progress has been accomplished within (90) days. If the homeless student maintains that he/she is exempted from receiving immunizations, then after thirty (30) days the student must provide documentation in accordance with the exemption requirements provided for in § 167.181.3, RSMo. (See <http://www.moga.mo.gov/statutes/C100-199/1670000181.HTM>.)

**Q. If a parent is incarcerated is the child automatically considered a homeless student?**

- A. A review of the facts specific to the child should assist the district in determining whether homelessness is a consequence of the incarceration. It may depend on the immediacy and longevity of the parent's incarceration; it may also depend on who has custody of the child

during the parent's incarceration and/or whether the student is residing in a fixed, regular, and adequate nighttime residence during the incarceration. If the child isn't identified as homeless, s/he may be residing in the district as the result of hardship or good cause.

**Q. If a homeless coordinator suspects that a “homeless” child is not truly homeless, how would the district prove that a person is not homeless?**

A. McKinney-Vento requires homeless children to be enrolled immediately even if the student can't provide education records. Until the district determines otherwise, the student should be enrolled. Most school districts have a standard enrollment/registration form and/or a proof of residency waiver form that should provide the homeless coordinator enough information to make a determination as to the student's homeless status. If not, the homeless coordinator can continue to monitor the child's status throughout the school year if the form doesn't provide enough information for the coordinator to initially make an informed decision.

**Q. At what age can districts begin using grant funds to serve homeless children and youths? Do they need to only serve school-aged children as our state defines it?**

A. McKinney-Vento addresses the needs of homeless children and youths from pre-school through grade 12 and requires comparable services for enrollment in preschool programs for which non-homeless preschool students are eligible. Therefore, a school district that operates a pre-school program in one or more schools should be providing comparable services for children who are homeless. School districts wanting to use grant funds for preschool may do so only for students who meet the age requirements of the district preschool program.

**Q. Does our school district need to provide transportation for detention?**

A. A homeless student receiving an after-school detention would be treated comparably to other students who have been detained after school. In some cases, that may mean the school provides after hours transportation.

**Q. May school districts use transportation funds to transport a 19 year-old from a shelter to take GED classes? The student is not enrolled in the school district at this time.**

A. The use of federal funds would not be appropriate for this purpose since the student is not enrolled in high school. On the other hand, a homeless student participating in a district's GED Option Program would still be eligible for transportation since the student remains enrolled in high school.

**Q. Are school districts required to provide transportation to alternative schools for homeless students?**

A. If the student is assigned to an alternative school by the district, then transportation must be provided to the school.

**Q. Are school districts required to provide transportation during summer school for homeless children and youth?**

A. Transportation during summer school is only required when it is provided to non-homeless students. Transportation should be provided if summer school is required for the homeless student to advance to the next grade.

**Q. Once a homeless child is permanently housed are districts required to provide transportation for the remainder of the school year?**

**A.** For the sake of educational continuity, a school district has the discretion to use Title I or Title V funds to continue transporting the student for the remainder of the year.

**Q. Is the school district required to transport a homeless student to the school of origin/best interest if the student disobeys the rules in a cab and the driver refuses to transport the child for safety reasons and the district has no other means to transport the child?**

**A.** All students are subject to the school district's discipline policies including those related to student transportation. Subject to the district's discipline policy, a homeless student may temporarily or permanently lose access to transportation if it's warranted under the circumstances.

**Q. Which school is the "school of origin"?**

**A.** The term "school of origin" is defined as the specific school building in a school district that the student attended when permanently housed or the school in which the student was last enrolled before becoming homeless.

**Q. Is a school of origin required to enroll kindergarteners who are siblings of homeless students at the beginning of the new school year?**

**A.** Again, it comes down to determining the school of best interest for that child. However, if an entire family is homeless, the district can presume the kindergartener is too.

**Q. Once a child is homeless, who determines the "school of best interest"?**

**A.** The school of origin shall comply, to the extent feasible, with the request of a parent or guardian regarding school selection; however, the school district ultimately determines the school of best interest. If the school district elects to send a child or youth to a school other than the school of origin or a school requested by the parent or guardian, district officials shall provide a written explanation, including the right to appeal the decision, and a copy of the standard complaint resolution to the parent or guardian or unaccompanied youth. While the school of best interest is being determined the child must be enrolled in the school of the parents' choice until a final decision is made.

**Q. Which school district is responsible for providing transportation to the school of best interest?**

**A.** If the school of origin and the school of residence can not agree upon providing transportation, then McKinney-Vento requires the school districts to share the responsibility and cost for transportation equally.

**Q. Are migrant children considered homeless?**

**A.** The McKinney-Vento Act definition of homeless children and youths makes specific reference to "migratory children". Therefore, migrant children's circumstances should be reviewed with this definition in mind. Many migrant families share housing. Not all families who "double up" consider themselves homeless; sometimes families choose to live together. Other families are forced to double up because they've been made homeless due to unforeseen circumstances or because the immediacy of a circumstance requires sharing a residence. Migrant children residing in a fixed, regular, and adequate nighttime residence may not appear to be homeless; however, by definition, migrant families/children are highly mobile and often resort to residing in substandard housing. Therefore, the house they live

in may not be fixed, regular or adequate. School districts should review the McKinney-Vento definition of homeless and evaluate each situation on a case-by-case basis.

**Q. Are families living in Section 8 housing considered homeless? Are families living in transitional housing considered homeless?**

- A. The U.S. Department of Housing and Urban Development (HUD) Section 8 housing is considered as fixed, regular and part of a permanent housing plan. Other HUD housing is designed to serve as transitional housing for no more than two years at a time. School personnel will need to review the terms of housing contracts to determine if they are Section 8 (fixed, regular) or transitional (time limitations are imposed). For more information regarding HUD requirements go to <http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/title4/index.cfm>

**Q. What if the student remains in transitional housing for four years, would they be considered homeless for all 4 years?**

- A. For HUD purposes some transitional housing is defined as two years or less. In cases where transitional housing is not supplied by HUD, the district may have to review the student's circumstances to determine whether or not the student remains homeless. For example, if a student continues to reside in a shelter or in some other housing that is not intended to be fixed and regular or is not adequate, then the student is defined as homeless under the McKinney-Vento definition of homeless. Homelessness is not always temporary; sometimes it's chronic.

**Q. A family is sharing the housing of other persons for one year. During the year the children were transported to their school of origin in another district. A new school year is about to begin. Is the school that transported/enrolled them last year required to do so again? Or should the family enroll in their school district of residence? How long is a school district required to transport/enroll doubled up extended situations?**

- A. Homelessness is not limited in time and can, over time, become chronic. Therefore, the district of origin should review the family's current living situation for purposes of determining whether the family remains homeless. For example, a family may have lost their home in a fire. If the home is being re-built, but is not yet finished, then the family may still be homeless. This question can only be answered by reviewing the McKinney-Vento definition of homeless and determining whether the family still falls within that definition.

**Q. A district has a family that has been living in a hotel located in another district for three years. The children have been transported and enrolled each year in the non-resident district. Does the non-resident district have to continue to enroll and transport them for the fourth year since the once temporary situation now seems permanent?**

- A. While living temporarily in a hotel qualifies as homeless, the above situation may not be considered fixed, regular, and adequate enough to stop providing McKinney-Vento services to the students. The school must determine whether the living arrangement is due to the lack of an alternative adequate accommodation.

**Q. What if a family is homeless during one school year and the next year they are still homeless, what does a school district have to do to provide services for that child?**

- A. If a child is homeless during one school year they can receive services for the remainder of that school year as a homeless child. If the child returns to the school district the next school year claiming to be homeless, the homeless coordinator should reevaluate the

situation prior to determining whether the child should remain in the district. Some questions to consider are: What is the family's current housing situation? Does it continue to meet one of the definitions of homeless under McKinney-Vento or § 167.020, RSMo? Is the child staying in the same location or is it a different location from the previous school year? What are the parents' plans? How far is it between the school of origin and the district of residence? Would it be in the child's best interest to enroll in the district of residence at the start of the new school year? What are the parents' plans?

**Q. A homeless student violates the Safe Schools Act and is suspended or expelled from the school of origin. Is the school of residence required to immediately enroll this student?**

- A.** Any time the enrolling district knows that a student has been suspended or expelled from another school as the consequence of the Safe Schools Act, the district must review its written discipline policy to determine if it would have suspended or expelled the student for the same reason. If so, the district would not have to enroll the student until such time as the suspension or expulsion expires. If the homeless student has an IEP, the school in which the student was enrolled must continue to provide a free and adequate education as required under the IDEA. If the district does not know about the Safe Schools Act violation, the student should be enrolled until the district receives the student's disciplinary record from the school he/she previously attended. If the district has reason to suspect that a child poses an immediate danger to others the superintendent may convene a hearing within five working days of the request to enroll to determine the appropriate course of action.

**Q. Are there reliable web sources of information I can refer to when I have questions about educating homeless children and youth?**

- A.** The Department's "Homeless Children and Youth Program" website is located at <http://dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/index.html>. This site provides links to useful informational sources such as the National Center for Homeless Education (NCHE) and the National Association for the Education of Homeless Children and Youth (NAEHYC).

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## **Appendix C**

### **STANDARD COMPLAINT RESOLUTION PROCESS AS IT APPLIES TO DISPUTES REGARDING THE EDUCATION OF HOMELESS CHILDREN AND YOUTH**

Following is the complaint resolution process recommended by the Department of Elementary and Secondary Education when a dispute arises regarding the education of a homeless child or youth:

- I. School District Level -- Every effort must be made to resolve the complaint or dispute at the school district level before it is brought to the Department of Elementary and Secondary Education. It is the responsibility of the school district (the district) to inform the complainant of the district's Complaint Resolution Procedure when a question concerning the education of a homeless child or youth arises.
  - A. Notify the district's homeless coordinator. The homeless coordinator serves as a liaison between the homeless child and the school the child attends. Someone in the school or in the superintendent's office will be able to identify the homeless coordinator.
    1. Request a copy of or access to the district board of education policies addressing the education of homeless children and youths and review them. Make an appointment with the homeless coordinator to discuss the complaint.
    2. If the dispute is not resolved after the initial discussion with the district's homeless coordinator, the complainant can file a complaint in writing to the district's homeless coordinator for further review.
    3. In the complaint include a request that a written proposed resolution of the dispute or a plan of action be provided within five (5) days\* of the date the complaint was received by the district's homeless coordinator. A review of the proposal or plan of action with the homeless coordinator should follow.
  - B. If the dispute is not resolved at the homeless coordinator level, the complaint may be forwarded to the superintendent of the district for review followed by a meeting with the superintendent to discuss the dispute. The complainant should request from the superintendent a written resolution within five (5) days\* of the date of the discussion.
  - C. If the dispute is not resolved at the superintendent level, the complainant may take the matter before the school district board of education for resolution.
- II. State Level -- If the dispute is not resolved in a satisfactory manner at the school district level, the complaint may be brought to the Department of Elementary and Secondary Education. Complaints made under this process must be made in writing and signed by the complainant. The following steps are to be taken:
  - A. Address the complaint to the State Homeless Coordinator, Federal Discretionary Grants,  
P.O. Box 480, Jefferson City, Missouri 65102-0480.

B. Include in the complaint:

1. a detailed description of the dispute
2. the name(s) and age(s) of the children involved
3. the name(s) of involved school district personnel and the district(s) they represent
4. a description of attempts that were made to resolve the issue at the school district level

C. The Director of Federal Discretionary Grants (the director) will inform the involved school district(s) of the complaint. The director or the director's designee will gather needed information including documentation and statements of the parties and may conduct an independent investigation through an on-site visit if necessary.

D. Within thirty (30) days\* after receiving a complaint, the director will resolve the complaint and will inform the parties, in writing, of the decision.

E. If a complainant disagrees with the director's decision, the complainant may, within ten (10) working days, appeal the decision to the Deputy Commissioner of Education. This appeal must be in writing and state why the complainant disagrees with the decision.

F. Within (thirty) 30 days\*\* after receiving the appeal, the Deputy Commissioner of Education will render a final administrative decision and notify the complainant and all other interested parties in writing.

G. While the dispute is ongoing, the child(ren) in question must be enrolled in school. If the dispute revolves around which school is the school of best interest for the child, the child shall remain in the school they currently attend until the dispute is resolved, unless arrangements already implemented allow the child to attend the school of origin.

\* The parties may mutually agree on an extension; however every effort should be made to resolve the complaint in the shortest possible time.

\*\* Although the standard procedure allows thirty (30) days for a response, every effort will be made to resolve the complaint in the shortest possible time.

## **Appendix D**

### **The McKinney-Vento Homeless Assistance Act Reauthorized January 2002**

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

Subtitle B--Education for Homeless Children and Youths

#### **SEC. 721. STATEMENT OF POLICY.**

The following is the policy of the Congress:

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

#### **SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.**

(a) GENERAL AUTHORITY- The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

(b) APPLICATION- No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

#### **(c) ALLOCATION AND RESERVATIONS-**

(1) ALLOCATION- (A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and

Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of--

- (i) \$150,000;
- (ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or
- (iii) the amount such State received under this section for fiscal year 2001.

(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

(2) RESERVATIONS- (A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

(3) STATE DEFINED- For purposes of this subsection, the term 'State' does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(d) ACTIVITIES- Grants under this section shall be used for the following:

- (1) To carry out the policies set forth in section 721 in the State.
- (2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.
- (3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).
- (4) To prepare and carry out the State plan described in subsection (g).

(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.

(e) STATE AND LOCAL SUBGRANTS

(1) MINIMUM DISBURSEMENTS BY STATES- From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

(2) USE BY STATE EDUCATIONAL AGENCY- A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS-

(A) IN GENERAL- Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

(B) EXCEPTION- Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

(i) the school meets the requirements of subparagraph (C);

(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

(iii) the State is otherwise eligible to receive funds under this subtitle.

(C) SCHOOL REQUIREMENTS- For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

(II) sets forth the general rights provided under this subtitle;

(III) specifically states—

(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

(dd) that homeless children and youths should not be stigmatized by school personnel; and

(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

(iv) demonstrate in the school's application for funds under this subtitle that such school—

(I) is complying with clauses (i) and (ii); and

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

(D) SCHOOL INELIGIBILITY- A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS- For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

(i) implement a coordinated system for ensuring that homeless children and youths—

(I) are advised of the choice of schools provided in subsection (g)(3)(A);

- (II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and
- (III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);
- (ii) document that written notice has been provided--
- (I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and
- (II) in accordance with subsection (g)(6)(A)(v);
- (iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);
- (iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and
- (v) not use funds received under this subtitle to establish—
- (I) new or additional separate schools for homeless children or youths; or
- (II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.
- (F) REPORT-
- (i) PREPARATION- The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—
- (I) compliance with all requirements of this paragraph;
- (II) barriers to school access in the school districts served by the local educational agencies; and
- (III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.
- (ii) COMPLIANCE WITH INFORMATION REQUESTS- For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

(iii) SUBMISSION- Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to—

(I) the President;

(II) the Committee on Education and the Workforce of the House of Representatives; and

(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

(G) DEFINITION- For purposes of this paragraph, the term `covered county' means—

(i) San Joaquin County, California;

(ii) Orange County, California;

(iii) San Diego County, California; and

(iv) Maricopa County, Arizona.

(f) FUNCTIONS OF THE OFFICE OF COORDINATOR- The Coordinator for Education of Homeless Children and Youths established in each State shall—

(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;

(2) develop and carry out the State plan described in subsection (g);

(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;

(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;

(5) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with—

(A) educators, including child development and preschool program personnel;

(B) providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);



(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

(D) community organizations and groups representing homeless children and youths and their families; and

(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

(g) STATE PLAN-

(1) IN GENERAL- Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

(F) A description of procedures that ensure that—

(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

(i) immunization and medical records requirements;

(ii) residency requirements;

(iii) lack of birth certificates, school records, or other documentation;

(iv) guardianship issues; or

(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

(J) Assurances that—

(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;

(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and

(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

## (2) COMPLIANCE-

(A) IN GENERAL- Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

(B) COORDINATION- Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

## (3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

(i) continue the child's or youth's education in the school of origin for the duration of homelessness—

(I) in any case in which a family becomes homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) BEST INTEREST- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

(C) ENROLLMENT- (i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

(D) RECORDS- Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained—

(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(E) ENROLLMENT DISPUTES- If a dispute arises over school selection or enrollment in a school—

(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

(F) PLACEMENT CHOICE- The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

(H) CONTACT INFORMATION- Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

(4) COMPARABLE SERVICES- Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in vocational and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

(5) COORDINATION-

(A) IN GENERAL- Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate--

(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

(B) HOUSING ASSISTANCE- If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

(C) COORDINATION PURPOSE- The coordination required under subparagraphs (A) and (B) shall be designed to—

(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

#### (6) LOCAL EDUCATIONAL AGENCY LIAISON-

(A) DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

(i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

(ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

(iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

(iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

(v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

(vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

(B) NOTICE- State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

(C) LOCAL AND STATE COORDINATION- Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

#### (7) REVIEW AND REVISIONS-

(A) IN GENERAL- Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

### SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

#### (a) GENERAL AUTHORITY-

(1) IN GENERAL- The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youths.

#### (2) SERVICES-

(A) IN GENERAL- Services under paragraph (1)—

(i) may be provided through programs on school grounds or at other facilities;

(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths; and

(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

(B) SERVICES ON SCHOOL GROUNDS- If services under paragraph (1) are provided on school grounds, schools—

(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time—

(I) for health and safety emergencies; or

(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.

(3) REQUIREMENT- Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(b) APPLICATION- A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

(1) An assessment of the educational and related needs of homeless children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

(c) AWARDS-

(1) IN GENERAL- The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be

awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

(2) NEED- In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of homeless children and youths.

(B) The extent to which the application--

(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

(ii) describes how the applicant will meet the requirements of section 722(g)(3).

(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youths.

(D) Such other criteria as the State agency determines appropriate.

(3) QUALITY- In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

(B) The types, intensity, and coordination of the services to be provided under the program.

(C) The involvement of parents or guardians of homeless children or youths in the education of their children.

(D) The extent to which homeless children and youths will be integrated within the regular education program.

(E) The quality of the applicant's evaluation plan for the program.

(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.

(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.

(4) DURATION OF GRANTS- Grants awarded under this section shall be for terms not to exceed 3 years.



(d) **AUTHORIZED ACTIVITIES-** A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.

(2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs).

(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.

(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.

(7) The provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths.

(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths.

(11) The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).

(12) The provision of pupil services (including violence prevention counseling) and referrals for such services.

(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence.

(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

(16) The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school.

#### SEC. 724. SECRETARIAL RESPONSIBILITIES.

(a) REVIEW OF STATE PLANS- In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.

(b) TECHNICAL ASSISTANCE- The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

(c) NOTICE- The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

(d) EVALUATION AND DISSEMINATION- The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

(e) SUBMISSION AND DISTRIBUTION- The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

(f) DETERMINATION BY SECRETARY- The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1).

(g) GUIDELINES- The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance

Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe—

(1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and

(2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.

(h) INFORMATION-

(1) IN GENERAL- From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding--

(A) the number and location of homeless children and youths;

(B) the education and related services such children and youths receive;

(C) the extent to which the needs of homeless children and youths are being met; and

(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

(2) COORDINATION- The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

(i) REPORT- Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on—

(1) the education of homeless children and youths; and

(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

SEC. 725. DEFINITIONS.

For purposes of this subtitle:

(1) The terms `enroll' and `enrollment' include attending classes and participating fully in school activities.

(2) The term `homeless children and youths'—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

(3) The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.

(4) The term ‘Secretary’ means the Secretary of Education.

(5) The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) The term ‘unaccompanied youth’ includes a youth not in the physical custody of a parent or guardian.

#### SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated \$70,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2007.’

## **Appendix E**

### **PART D—GUIDELINES REGARDING THE USE OF SOCIAL SECURITY NUMBERS AND THE ATTENDANCE AT SCHOOL OF UNDOCUMENTED STUDENTS**

(This memo was sent to all district superintendents in January, 1998)

The United States Supreme Court ruled in *Plyler v. Doe*, 457 U.S. 202, 102 S. Ct. 2382 (1982) that a state may not deny undocumented school-aged children entry into the public school system of that state. The Supreme Court overturned a Texas state law denying state aid to school districts admitting undocumented children of parents coming into the country illegally. For Missouri schools, this means that a district cannot deny admission to school or participation in any program based on a student's undocumented status. Any such discrimination would be a denial of the equal protection of the laws in violation of the Fourteenth Amendment of the United States Constitution.

Undocumented students are also protected under the federal law regarding student records. The Family Educational Rights and Privacy Act (FERPA) requires that educational student records be kept confidential. Information that may be in school records regarding a student's undocumented status must be kept confidential. Disclosure should be made only after parental consent or based upon express authority provided under FERPA.

The Privacy Act of 1974 addresses the use of social security numbers by federal, state, or local governmental agencies. The Act states, in part that it is:

“unlawful for any federal, state, or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security number.”

Agencies that collect social security numbers must disclose how that number will be used and the limits of its use. Any request to disclose a social security number must be accompanied by the following statement:

“Any federal, state, or local government agency which requests an individual to disclose his social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.”

If mandatory disclosure is not specifically authorized under the Privacy Act, then the disclosure is voluntary. A school district may not require disclosure of a social security number or use the refusal of a student to provide a social security number as a basis for denial of enrollment. Instead, districts should have in place a procedure for assigning a school-generated number to use in place of a social security number. Parents completing a free or reduced lunch application should be allowed to write “NONE” in the blank for their children's social security number.

Students enrolling in the Missouri public schools, including those with undocumented status, are exercising a right guaranteed under the laws of the State of Missouri. To deny enrollment based on undocumented status or based on a failure to disclose a social security number violates the equal protection clause of the Fourteenth Amendment and the federal statutes previously cited. School staff responsible for enrolling students must be aware of these requirements. Questions regarding school attendance for students with undocumented status should be directed to Craig Rector, Director, Federal Discretionary Grants at 573-526-3232.